

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

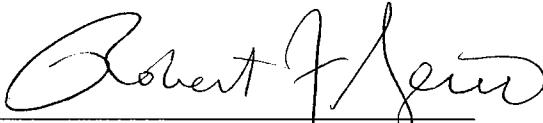
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IN RE VEECO INSTRUMENTS INC. :  
SECURITIES LITIGATION : No. 7:05-MD-01695-CM  
----- X  
THIS DOCUMENT RELATES TO: :  
ALL ACTIONS :  
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**NOTICE OF MOTION AND MOTION TO DISMISS THE CONSOLIDATED  
AMENDED COMPLAINT BY DEFENDANTS VEECO INSTRUMENTS INC.,  
EDWARD H. BRAUN, JOHN F. REIN, JR., AND JOHN P. KIERNAN**

PLEASE TAKE NOTICE that, upon the papers to be filed with this Court, Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr., and John P. Kiernan (collectively, the "Defendants"), by their counsel Gibson, Dunn & Crutcher LLP, will respectfully move this Court, before the Honorable Colleen McMahon, United States District Judge, at a date and time to be determined by the Court, for an Order, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), dismissing Plaintiff's Consolidated Amended Class Action Complaint for failure to state a claim and lack of particularity, based on the grounds set forth in the Memorandum of Law in Support of Defendants' Motion to Dismiss the Consolidated Amended Complaint, and accompanying Declaration of Robert F. Serio, dated December 2, 2005, with accompanying exhibits, and the Defendants' reply papers thereto.

Dated: New York, New York  
December 2, 2005

GIBSON, DUNN & CRUTCHER LLP

By:   
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